

-20-

Serial No. 09/712,584
Docket No. SJO919990173
Firm No. 0037.0009

REMARKS

Applicants amended independent claims 1, 18, 20-24, 27-29, 32, 37, 39, and 58 as discussed below.

The Examiner rejected claims 1-38, 58-67, and 69 as anticipated (35 U.S.C. §102) by the admitted prior art.

During the phone interview, the Examiner indicated the anticipation rejection could be withdrawn if Applicants amended certain of the rejected claims 1-38, 58-67, and 69 to clarify that the claimed operations comprise computer related operations. Specifically, Applicants have amended the independent claims 1, 13, 18, 20, 32, 37, and 58 to recite computer related operations to overcome the anticipation rejection and to include certain limitations added to claim 39 which further distinguish over the cited art for the reasons discussed below. However, Applicants further submit that there are additional grounds of distinction of the claims over the cited background section of the Application in addition to the computer related aspect of the claimed operations added in the amendment.

Moreover, Applicants submit that these claims are further patentable over the cited Graves for the reasons discussed below

The Examiner rejected claims 39-57 and 68 as obvious (35 U.S.C. §103) over Graves (Statutory Invention Reg. No. H1743). Applicants traverse for the following reasons.

Claim 39 requires a program for ordering products wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein an acquiring entity obtains products from the RSC. The claims require a sequence of operations comprising: generating, by the acquiring entity, a request for a quantity of products; performing computer related operations to update a computerized inventory database with a product record including a requested quantity that the acquiring entity wants to receive of the product based on the generated order; performing computer related operations by the acquiring entity to process a request from the supplier for information on the requested quantity from the product record in the inventory database and transmitting the requested information to the supplier in response to the request; performing computer related operations to process information from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity, wherein the supplier uses the requested information to determine the commitment

-21-

Serial No. 09/712,584
Docket No. SJO919990173
Firm No. 0037.0009

quantity to indicate; performing computer related operations to update the inventory database with the information received from the supplier to indicate the commitment quantity; performing computer related operations to update the inventory database from information received from the RSC indicating products shipped from the supplier for one specified product record to satisfy the commitment quantity; and transmitting, by the acquiring entity, a pull order to the RSC to ship products to the acquiring entity that the supplier shipped to the RSC to satisfy the commitment quantity.

Amended independent claim 39 to clarify that the operations are performed in a sequence. This amendment was discussed during the phone interview. Applicants further amended claim 39 to add the requirement that the products shipped to the RSC from the supplier are shipped to satisfy a commitment quantity.

Graves discusses monitoring a storage tank and projects usage of chemicals stored in the storage tank. Based on the forecasts of the storage tank usage, Graves mentions that the processing unit 106 schedules and transmits purchase order releases to the chemical supplier. (Graves, col. 6, lines 36-55) Graves further discusses how the processing unit 106 can detect chemicals being added to the storage tank by monitoring the level of the tank, and then communicate receipt of the supplies to an accounting department to authorize payment of the delivered supplies. (Graves, col. 16, lines 4-22)

Claim 39 requires receiving information from a supplier indicating a commitment quantity of a quantity the supplier intends to ship, wherein the supplier uses requested information transmitted from the acquiring entity to determine the commitment quantity. The Examiner cited col. 16, lines 4-22 of Graves as teaching this claim requirement. (Final Office Action, pg. 5, par. 11). Applicants traverse.

The cited col. 16 discusses how to simplify the payment processor for chemicals by eliminating human intervention. An invoice is typically prepared when replacement chemicals are shipped, but the user does not have to pay for the supplies until they are delivered. The computer system communicates the receipt of supplies to an accounting department to authorize payments.

Although the cited col. 16 discusses how to notify the accounting department when chemicals are received to authorize payment, nowhere does the cited col. 16 anywhere teach or

-22-

Serial No. 09/712,584
Docket No. SJO919990173
Firm No. 0037.0009

suggest the claim requirement of receiving information from a supplier indicating a commitment quantity of a quantity the supplier intends to ship. Further, nowhere does the cited col. 16 anywhere teach or suggest that the supplier uses previously requested information transmitted from the acquiring entity to determine the commitment quantity. Instead, the cited col. 16 concerns when to notify accounting when the supplies have arrived, not to process information indicating a commitment quantity from a supplier as claimed.

Applicants further submit that the Examiner has not cited any part of Graves that teaches the claim requirement of updating the inventory database from information received from the RSC indicating products shipped from the supplier for one specified product record to satisfy the commitment quantity after the commitment quantity is received.

The Examiner found that it would be obvious to involve an RSC in the claimed ordering process. (Final Office Action, pgs, 6-7, pars. 14-16). Even if it would be obvious to modify Graves to use an RSC to hold chemicals being shipped to the storage tank, there is nothing in the cited art that teaches or suggests modifying Graves to perform the specific claim requirement of updating the inventory database from information received from the RSC indicating products shipped from the supplier for one specified product record to satisfy the commitment quantity previously indicated by the supplier. Accordingly, this claim requirement provides further grounds of patentability over the cited art.

Moreover, the Examiner has not cited any part of Graves in the Final Office Action as teaching the claim requirement of transmitting a pull order to the RSC to ship products to the acquiring entity that the supplier shipped to the RSC to satisfy the commitment quantity in the sequence as claimed.

For all the above reasons, Applicants submit that claim 39 is patentable over the cited Graves because the cited Graves does not disclose, teach or suggest all the claim requirements.

Claims 40-50 are patentable over the cited art because they depend from claim 39. Moreover, certain of the below discussed dependent claims provide additional grounds of patentability over the cited art for the reasons discussed below.

Claim 41 depends from claim 39 and further requires determining a number of days of supply of products at the RSC for a product represented by the product record and ordering an

-23-

Serial No. 09/712,584
Docket No. SJO919990173
Firm No. 0037.0009

additional quantity of the products to the supplier if the determined number of days of supply for the product is less than a minimum threshold.

Applicants submit that nowhere does the cited Graves anywhere teach, suggest or disclose determining a supply of the product at an RSC and ordering additional quantity if the number of days of supply falls below a threshold.

Accordingly, claim 41 provides additional grounds of patentability over the cited art.

Claim 42 depends from claim 39 and further requires updating the inventory database with information received from the acquiring entity for one product record indicating an order of products from the RSC to deliver to the acquiring entity to fulfill the order.

Applicants submit that nowhere does the cited Graves anywhere teach, suggest or disclose updating an inventory database with information from an acquiring entity for an order of products from the RSC to deliver.

Accordingly, claim 42 provides additional grounds of patentability over the cited art.

Claim 43 depends from claim 42 and additionally requires determining a number of days of supply of products at the RSC for a product from information maintained in the product record as a function of the quantity of the products indicated in the product record as available at the RSC and an average acquiring entity order rate of the product from the RSC and transmitting an order for an additional quantity of the products to the supplier if the determined number of days of supply for the product is less than a minimum threshold.

The Examiner has not cited any part of Graves that discloses determining a number of days of supply at the RSC and then transmitting an order for additional products to the supplier if the number of days of supply falls below a threshold. The cited Graves does mention that the processing unit 106 monitor tank usage and order more chemicals based on the tank usage. (Graves, col. 6, lines 26-55). However, the Examiner has not cited any part of Graves that discloses monitoring an available supply at an RSC and ordering additional quantity from the supplier if the quantity at the RSC falls below a threshold.

Accordingly, claim 43 provides additional grounds of patentability over the cited art. Claims 44 and 45 depend from claim 43 and provide additional requirements concerning how to determine when to order additional quantity, which provide additional grounds of distinction over the cited art.

-24-

Serial No. 09/712,584
Docket No. SJO919990173
Firm No. 0037.0009

Claim 46 depends from claim 39 and further requires that the acquiring entity, database, supplier, and RSC are capable of communicating over a network and transmitting over the network an input page in which the supplier and RSC enter data to update the inventory database.

The Examiner cited col. 10, line 28 et seq. of Graves as teaching the additional requirements of this claim. (Final Office Action, pg. 7, par. 18). Applicants traverse.

The cited col. 10 discusses faxes sent by the processing unit 10 related to orders, chemical release schedules or delivery dates, etc. Printouts are also provided of the level of the storage tank. Although the cited col. 10 discusses how the manufacturer may communicate information to the supplier, nowhere does the cited col. 10 anywhere teach or suggest that a supplier or RSC update the inventory database with information entered in an input page transmitted over a network as claimed.

Accordingly, claim 46 provides additional grounds of patentability over the cited art.

Claim 47 depends from claim 46 and includes limitations concerning how input pages are transmitted to the supplier and RSC to use to request product record information. As discussed with respect to claim 46, nowhere does the cited Graves anywhere teach, suggest or disclose transmitting an input page to an RSC or supplier. Moreover, nowhere does the cited and discussed Graves anywhere teach, suggest or disclose that the transmitted input page be used to allow the supplier or RSC to request product record information maintained in the inventory database.

Accordingly, claim 47 provides additional grounds of patentability over the cited art.

Claim 48 depends from claim 1 and further requires generating a pre-shipment alert message to the RSC upon receiving the update to the database of the commitment quantity from the supplier. The Examiner cited col. 16, lines 4-22 of Graves as teaching the additional requirements of this claim. (Final Office Action, pg. 8, par. 19) Applicants traverse.

As discussed, the cited col. 16 discusses how the manufacturer notifies the accounting department when chemicals are received to authorize payment. Nowhere does the cited col. 16 anywhere teach or suggest the acquiring entity generating a message to the RSC upon updating the inventory database of the commitment quantity from the supplier. Accordingly, claim 48 provides additional grounds of patentability over the cited art.

-25-

Serial No. 09/712,584
Docket No. SJO919990173
Firm No. 0037.0009

Applicants further note that amended independent claims 1 and 20 include many of the requirements of claim 39 that distinguish over the cited and discussed Graves. Accordingly, Applicants submit that independent claims 1 and 20 are patentable over the cited and discussed Graves for the reasons discussed with respect to claim 39. Further, claims 2-12 and 21-31 are patentable over the cited art because they depend from claims 1 and 20, which are patentable over the cited art for the reasons discussed above.

Amended claim 13 includes many of the requirements of claim 1 that distinguish over the cited and discussed Graves, including the supplier performing computer related operations comprising: accessing information on a requested quantity the acquiring entity wants and updating the inventory database with the commitment quantity of a number of products the supplier intends to ship to the RSC to meet the requested quantity after determining the accessed information. Another distinguishing limitation is that the inventory database includes information on a requested quantity that the acquiring entity wants and information from the RSC indicating products shipped from the supplier. As discussed with respect to claim 39, nowhere does the cited Graves anywhere teach, suggest or disclose the claim requirement that a supplier access information on a requested quantity the acquiring entity wants and then updates the inventory database with a commitment quantity after using the accessed information to determine the commitment quantity. Accordingly, Applicants submit that independent claim 13 is patentable over the cited and discussed Graves for the reasons discussed with respect to claim 1.

Claims 14-17 are patentable over the cited art because they depend from claim 13, which is patentable over the cited art for the reasons discussed above.

Applicants amended claim 18 to include requirements added to independent claims 1, 13, and 39. Amended claim 18 includes many of the requirements of amended claim 39 that distinguish over the cited Graves. Accordingly, Applicants submit that independent claim 18 is patentable over the cited and discussed Graves for the reasons discussed with respect to claim 39.

Claim 19 is patentable over the cited art because it depends from claim 18, which is patentable over the cited art for the reasons discussed above.

Independent claims 32 and 37 include the requirements of claims 13 and 18 in system form and, thus, are patentable for the reasons discussed with respect to claims 13 and 18. Further

-26-

Serial No. 09/712,584
Docket No. SJO919990173
Firm No. 0037.0009

claims 33-36 and 38 are patentable over the cited art because they depend from claims 32 and 37, which are patentable over the cited art for the reasons discussed above.

Applicants amended claim 58 to include requirements added to independent claims 1, 13, and 39. Amended independent claim 58 requires a method for purchasing products wherein the products are supplied by a supplier to a replenishment service center (RSC)

Claim 58 includes many of the requirements of claims 39 and 42, such as updating the inventory database to include the requested quantity, the commitment quantity, the products the RSC receives from the supplier, and the order of products from the RSC to deliver to the acquiring entity. Accordingly, Applicants submit that claim 58 is patentable over the cited and discussed Graves for the reasons discussed above with respect to claims 39 and 42.

Claims 59-65 are patentable over the cited art because they depend from claim 58, which is patentable over the cited art for the reasons discussed above. Moreover, claims 59-65 substantially include the requirements also found in claims 41, 43, 44, 45, 46, 47, and 49, and thus are additionally patentable over the cited and discussed art for the reasons discussed with respect to claims 41, 43, 44, 45, 46, 47, and 49.

Claims 66, 67, 68, and 69 depend from independent claims 1, 20, 39, and 58, respectively and further require wherein the commitment quantity is capable of being less than the requested quantity the acquiring entity indicated in the product record.

Applicants submit that claims 66-69 provide additional grounds of patentability over the cited art because they depend from claims 1, 20, 39, and 58 and because the Examiner has not cited any part of Graves that discloses, teaches or suggests these requirements.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-69 are patentable over the art of record. Applicants submit that no additional fee is needed. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0466.

-27-

Serial No. 09/712,584
Docket No. SJO919990173
Firm No. 0037.0009

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: December 26, 2003

By: 

David W. Victor
Reg. No.: 39,867

Please direct all correspondences to:

David Victor

Konrad Raynes Victor & Mann, LLP

315 South Beverly Drive, Ste. 210

Beverly Hills, CA 90212

Tel: 310-553-7977

Fax: 310-556-7984